

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,) C/R NO. 3:02-548-CMC
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)
 OPINION and ORDER
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)
)
v.)
)
)
Tanesha Bannister,)
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)
)
Defendant.)
)

This matter is before the court on Defendant's motion for production of the transcript of the evidentiary hearing held April 12, 2012, at government expense. For the reasons stated below, Defendant's motion is **granted**.

Pursuant to 28 U.S.C. § 753(f), “[f]ees for transcripts furnished in proceedings brought under section 2255 . . . to persons permitted to . . . appeal in forma pauperis shall also be paid by the United States . . . if the trial judge or a circuit judge certifies that the appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.”

The undersigned has denied a certificate of appealability and believes that Defendant's appeal is without merit. However, Defendant contends the transcript of the hearing is necessary “to properly litigate and present her request for a certificate of appealability [to the circuit court].” Mot. at 1 (ECF No. 3674). Because the court's ruling on Defendant's motion relating to ineffective assistance of counsel was made from the bench at the conclusion of the hearing and was based upon the testimony of Defendant and three witnesses presented by the Government, the court finds the transcript of the hearing should be transcribed and provided to Defendant at government expense.

Accordingly, Defendant's motion is **granted**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
June 13, 2012